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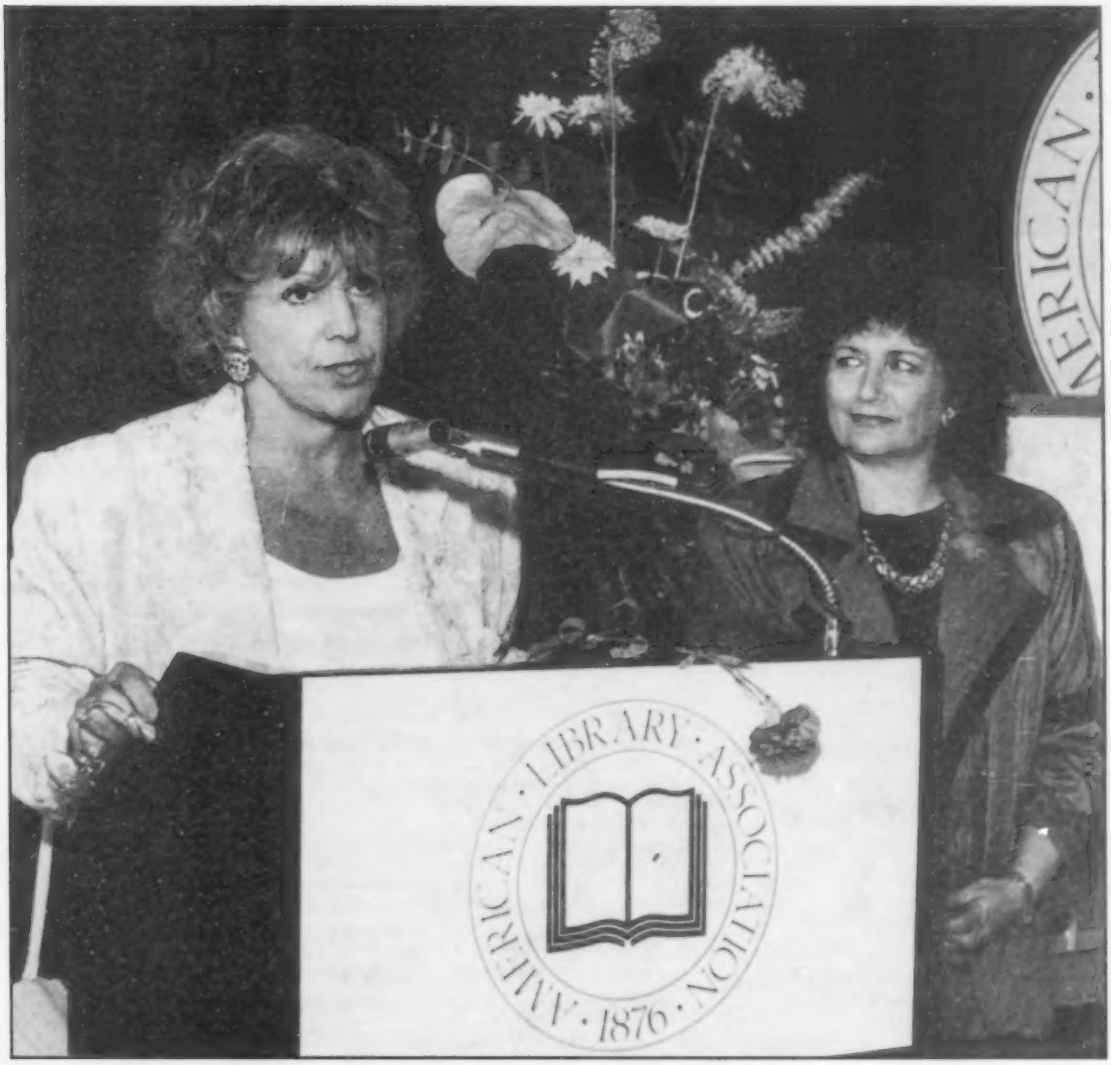

ALA's 111TH Annual Meeting

Also: LC's Fund Legislation

Library of Congress
INFORMATION BULLETIN

JAMES H. BILLINGTON
Librarian of Congress

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On the Cover: Author Gwen Davis, founder of Writers Who Love Writers, addresses attendees during the 111th annual meeting of the American Library Association, while Patricia Glass Schuman, ALA president, listens. Ms. Davis came to attend a "wake" for California school libraries, half of which have been closed in the past 10 years. *Photo by Oscar & Associates Inc.*

Cover Story: The annual meeting of the American Library Association in San Francisco's Moscone Center drew a record number of attendees, many of whom lamented the dismal funding future for the nation's libraries. 347

Let's Get Active: That was the message conveyed by Gloria Steinem and Rep. Pat Schroeder during ALA's opening session. 348

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Exhibits at the Moscone Center in San Francisco during ALA's 111th annual meeting

Setting Records at ALA:

Attendance Was High, but Spirits Were Low

by Guy Lamolinara

More than 100 staffers from the Library of Congress made the trip to San Francisco to attend the 111th annual meeting of the American Library Association.

Some were sent by LC, but many traveled at their own expense to meet with their peers to discuss the latest news. Three staffers were sent to work at the Library's recruiting table; they were looking for applicants to fill about 40 positions.

Others went to offer their expertise to visitors to LC's exhibit booth in the Moscone Center.

A Library pilot, American Memory, was demonstrated by staff of the Special Projects Office. American Memory, which provides selected Library collections on CD-ROM, is being evaluated at 44 sites, including universities, elementary and secondary schools, state and public libraries and several research centers and special libraries. Others demonstrated ACCESS, the Library's touch-screen system that allows easy access to bibliographic data bases.

Staff of the Cataloging Distribution Service demonstrated and took orders for its products on CD-ROM as well as in print. Center for the Book representatives distributed literature and advised librarians on ways to encourage interest in books, reading and libraries.

Some LC librarians had good news for their colleagues who wanted more reliable access to the Library's collections: The total arrearage (unprocessed items) has dropped for five consecutive quarters, to a new low of 35,880,414 items. The peak

(Cont. on p. 350)

Call to Arms:
ALA Attendees Urged to Become Activists

"You've made me what I am today, and I hope you're satisfied," the woman on the stage said to thunderous applause. That woman was once a young girl growing up in Toledo, Ohio, during the '30s and '40s, when she said libraries played a pivotal role in her development.

The clapping was for feminist writer Gloria Steinem at the June 27 opening session of the 111th annual meeting of the American Library Association, held in San Francisco.

"I also owe you all a debt of gratitude for your fight against censorship to keep *Ms.* on the shelves," said the magazine's founder.

The overriding topic of the session, which included speeches from leaders in the library community as well as Rep. Pat Schroeder (D-Colo.), was the drastic funding cuts facing libraries across America. Ms. Steinem urged "a new radicalism" on the part of librarians in rallying support for "the most important and democratic of institutions."

"We need to march and demonstrate," she said, adding that although she had been on many picket lines in the past, she had never marched for libraries but would be willing to do so. Librarianship, a profession whose membership is heavily female, has often been taken for granted and viewed by lawmakers as having little political clout, she said. "But you have the power of 'not.' Feminism simply means opening the other eye, and I confer honorary womanhood to all the men here."

Ending her speech on a hortatory note, Ms. Steinem urged the audience to become members of the "Secret Society of the Butterfly's Wing." "The flap of a butterfly's wing here can change the weather thousands of miles away," she said. Similarly, "one child who gets one book, one library door open for an hour longer, or one politician who changes his or her mind can change the world."

Rep. Schroeder evoked the Founding Fathers. "Benjamin Franklin said libraries should be free and public. How silly it must look that the richest country on the planet cannot fund its libraries adequately. . . . The issue is our priorities, not money. We spend $35 billion on intelligence but how are we going to have anybody to do intelligence without libraries?"

The senior woman member of the U.S. House concluded, "I'm for the America that believes if you want to change the world change the world of a child. A country that doesn't care about its kids doesn't care about its future!"

—*Guy Lamolinara*

"How silly it must look that the richest country on the planet cannot fund its libraries adequately."
—Rep. Pat Schroeder

Libraries are "the most important and democratic of institutions."
—Gloria Steinem

Funeral for a Friend:
ALA Laments the Death of California School Libraries

The more than 13,000 participants who came to the American Library Association meeting in San Francisco didn't realize they would also be asked to attend a wake.

But that's just what happened June 27. Black arm bands were passed out to all who attended. A casket was present. Well-wishers had sent flowers. The deceased: school libraries in California.

In the past 10 years, half of all school libraries in California have closed. The state ranks last in the number of certified school media specialists. The closing of libraries in Mendocino County and the reclosing of libraries in Shasta County is forthcoming. Taking her opening remarks from Dickens, Patricia Glass Schuman, ALA president, said, "These are the best and the worst times for the nation's libraries. A 76 percent cut for libraries has been proposed by our 'education president,' " she said, as she incited the crowd to break the funereal atmosphere by cheering her on. "Let our government leaders know we want our libraries fully funded," she exhorted. "You can't exercise your right to know if your library is closed. We don't want any more funerals for libraries!"

Appropriately dressed in black from head to toe was Dawn Heller, president of the American Association of School Librarians, who, as she placed a red rose on the "bodies" in the casket (books), asked the "mourners" to join her in a moment of silence to lament the deaths of school libraries in California. "It has not been a natural death," she said. "They have been systematically starved to death through malnutrition."

She carried her analogy to its logical conclusion, asking the audience "not to let libraries rest in peace."

Also at the wake was novelist Gwen Davis, founder of Writers Who Love Writers, who spoke of the "sanctuary" libraries had given her as a child.

Most people know Debbie Allen as a choreographer, dancer and director, but she is also a self-described "literary activist" who donated $10,000 to help rebuild a library burned during the recent riots in Los Angeles. "Books have made me what I am today," she said. She promised to "fight for young people" and to "lend a helping hand to libraries."

Rep. Pat Schroeder (D-Colo.) gave the final "eulogy," declaring that "it's a sad day to be here." Her next words were fitting for those who found themselves in a city whose precarious geography has left it still cleaning up after 1989's temblor. "There has been an earthquake in values and we are not going to take it anymore," she declared. "The federal government is doing the same thing. We'd better talk about 'feed and read' not 'feed and seed.'"

The "bereaved" then filed out, making their way to the opening session.

—*Guy Lamolinara*

Present at the "wake" were (from left) Rep. Pat Schroeder, Debbie Allen, California Media Librarians and Educators Association past president Penny Kastanis, Gwen Davis and Dawn Heller, also shown above placing a rose on the casket. *Photos by Guy Lamolinara*

LC at ALA: Kathryn Mendenhall of Cataloging Distribution Service demonstrates the features of CDS's USMARC data base on CD-ROM to a visitor to the Library's exhibit booth; demonstrations of American Memory and LC publications also are offered. *Photos by Roberta Stevens*

LC at ALA *(Cont. from p. 347)*
backlog was 40.68 million, counted on Dec. 31, 1990.

Representatives from the Library's Cultural Affairs service unit were also on hand. They were responsible for nuts-and-bolts tasks–from overseeing the setting up of the exhibit booth to answering general information questions about the Library.

According to ALA, 13,063 participants registered for the conference, a new record. The number of exhibits, 5,760, also set a record.

Perhaps the ailing U.S. economy was what brought so many to San Francisco, in search of some psychic solace in a city of breathtaking views and balmy weather. But the collective mood inside the Moscone Center was gloomy, as librarians from large cities and universities as well as small towns lamented their home institutions' reduced funding.

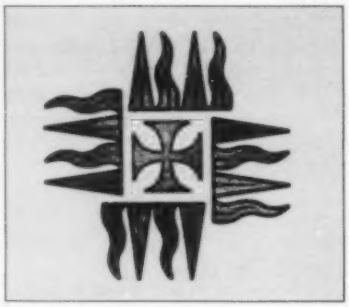
Said one visitor to this writer at the Library's exhibit booth: "This may be my last ALA. I could be out of a job by the time I get back home."

'An Ongoing Voyage' Opens Aug. 13

A major Library exhibition, "1492: An Ongoing Voyage," opens in the James Madison Building Aug. 13.

LC's exhibition marking the quincentenary of Columbus's landfall looks at the diverse worlds of America and the Mediterranean on the eve of 1492 and at the continuing consequences of Columbus's voyages in the Americas from 1492 to 1600.

"The exhibition is not just about a man called Columbus but about the extraordinary historical era in which he played a part," notes Dr. Billington. "It depicts the varied 'worlds'



of America and the Mediterranean at a period when both were immersed in complex political, social and cultural changes."

The exhibition, with over 350 objects, draws extensively on the rich collections of the Library of Congress. These materials are augmented by objects from other institutions and private individuals.

The exhibition includes an introductory film. Major texts in the exhibit will appear in both English and Spanish. A richly illustrated catalog, *1492: An Ongoing Voyage*, will be available in the Sales Shop, and a checklist of exhibit objects will be distributed in the exhibition, which runs through Feb. 14, 1993. Visitor hours are 8:30 a.m. to 9:30 p.m., Monday–Friday, and 8:30 a.m. to 6 p.m. weekends.

The Librarian Asks Congress for Prompt Passage of Fund Act

Dr. Billington on July 22 urged swift passage of the Library of Congress Fund Act of 1992, giving LC long-sought authority to provide new customized services for a fee and extend its existing free "core" services.

"As a practical matter," he said, "this legislation (S. 2748) is necessary if the Library . . . is to develop its services to the nation in ways it is uniquely qualified to do."

The Librarian said the bill:

☐ Reaffirms the Library's role as the nation's library—for the first time giving formal assurance to all that the free services available to the nation's libraries and to the public will continue unimpeded;

Dr. Billington has asked Congress to expand LC's existing "core services" and give it authority to extend service to meet demands for specialized service in the "Information Age."

☐ Enables the LC "to enlarge the range of services it may offer in the Age of Information to meet new demands from Americans for specialized products and services which go beyond the Library's present and foreseeable tax-supported basic functions."

Such customized services and products—to lawyers, businessmen, publishers and other "discrete groups" and individuals—may include translations, document retrieval, electronic access to the collections, training, research reports and certain data base searches, as well as current LC services, such as acquisition of materials for federal libraries.

Dr. Billington spoke during a hearing in the Russell Senate Office Building before the Committee on Rules and Administration, chaired by Sen. Wendell H. Ford (D–Ky.).

The bill, a revised revision of legislation submitted last year, had

Dr. Billington to Congress: Why Fund Act Is Needed

Following is the July 22 reading statement of Librarian of Congress James H. Billington before the Senate Committee on Rules and Administration on S. 2748, the Library of Congress Fund Act of 1992:

Mr. Chairman, the Library of Congress is an utterly unique resource for the United States as it enters the highly competitive information age when so much economic growth depends on information-based enterprises and so much of our future productive power depends on a knowledgeable work force.

The Library of Congress is by far the largest repository of human knowledge and creativity in the history of the world. It has enormous potential to renew and enrich our society with its 100 million items in all languages and formats and its 5,000 people of diverse talents and pure service orientation. Because of our massive, multilingual cataloging effort that saves other libraries so much money, it is the only place in the world where virtually everything important published in a given year anywhere is, in fact, read by a discerning human mind and made available for others.

"This legislation is essential if LC is to realize its potential both for serving libraries in new ways and for generating new vitality and job opportunities in the private, and particularly the information, sector."
—James H. Billington

At my appearance before this committee and my swearing-in as Librarian of Congress almost exactly five years ago, I indicated that LC's destiny was to be a catalyst for our civilization, not just a mausoleum of culture or a passive warehouse of information. I made this distinction not only because I felt we had here greatly underused potential for national service, but also because I believed that a practically minded Congress and public were unlikely to sustain this priceless, universal Library even as a passive repository for tomorrow unless more active use was made of it today. Since then, I have been immensely impressed with how underused these resources are and how many ways our work force could help more types of people, and how much all kinds of Americans need the varied skills and materials here in the Library.

During this five-year period, we have built a solid administrative basis for increasing our service role. We have implemented recommendations from a series of audits that I requested (the first undertaken in the history of the Library) and conducted extensive management studies, a major reorganization and wide national consultations with all the many constituencies we deal with. The purpose was to define how this remarkable creation of the Congress can be made to serve more Americans better.

Fund Act *(Cont. from p. 351)*

been introduced May 20 by Sen. Claiborne Pell (D–R.I.), chairman of the Joint Committee on the Library, who initially presided over the July 22 hearing. Also on hand were Senators Daniel Patrick Moynihan (D–N.Y.), Brock Adams (D–Wash.) and Mark O. Hatfield (R–Ore.). Committee action is expected in September.

A similar bill was introduced July 8 in the House by Rep. Charlie Rose (D–N.C.), vice chairman of the Joint Committee on the Library.

Dr. Billington said the bill provides strong controls, including a General Accounting Office audit and 45-day notice of any proposed new fund service activity, as well as scrutiny during the regular congressional appropriations process. The Library, he said, seeks only "cost recovery," not a profit.

LC, Dr. Billington noted, is not the only library "seeking to complement private sector information activities." Indeed, in 1990, according to the American Library Association's FISCAL (Fee-based Information Service Centers in Academic Libraries), 214 libraries were so engaged, with an estimated 400 in 1992. Services included customized research (New York Public Library) document delivery (North Carolina State University libraries); genealogical research (Fort Worth Public Library).

This legislation is "vital to the Library's future as a national asset," said Dr. Billington. After two years of discussion of the bill, involving LC, library officials and the private sector, four witnesses asked for further delay, variously citing fears that (1) LC would charge fees for "core" services or diminish such services; and (2) LC would compete unfairly

The Congress has endorsed this effort at enhanced service by helping reverse the long decline in the real dollar value of appropriations and the loss of some 500 employees that LC suffered during the '80s. They have given us the resources—and we have developed the plan—to overcome the arrearage problem and get all materials in bibliographic records. Congress and private philanthropy have combined with donated equipment from high-tech firms to enable us to begin testing American Memory; this is a major prototype of the new kind of service that we envisage—transferring LC collections by new electronic means to schools and libraries everywhere. It is very doubtful that we will be able to make this national asset fully available across America without the broad mandate and flexibility embodied in this legislation.

In this act, Congress provides the authority for sustaining and expanding services to the nation. For the first time in its history, the Congress affirms the Library's role as the nation's library—giving formal assurance that we will continue the free services available to the nation's library, business and scholarly communities and to the public. These services include organizing, cataloging and preserving Library collections, free access to the Library's 23 reading rooms and through them to its magnificent collections, free reference assistance, free access to the Library's in-house computer systems, free domestic interlibrary loans—free access, in short, as the legislation states, "to information products and services in any format customarily provided by libraries to users at no charge."

Second, the act explicitly authorizes the Library to prepare and distribute machine-readable bibliographic products and other technical publications. This is a vital service. We do the central cataloging of books and other materials and distribute our cataloging records—what used to be just catalog cards—to libraries which otherwise would have to do the cataloging themselves. This practical arrangement saves the nation's public and academic libraries about $370 million a year, or more than our entire annual budget; the Library of Congress recovers about $7 million for these catalog products—the cost of distribution.

"The specialized products and services originally paid for by a requestor will then contribute to the pool of Library of Congress resources that become freely available to Congress and the public."
—Librarian of Congress

Third, the act enables the Library of Congress to extend the range of services it may offer in the "Age of Information" to meet new demands from Americans for specialized products and services which go beyond the Library's present and foreseeable tax-supported basic functions. These customized services should not be supported by the taxpayer, especially in times of fiscal austerity, since they require extraordinary special efforts beyond normal services. The act creates a sustaining mechanism—a revolving fund—through which the Library can recover its costs in meeting these specialized information needs. The General Accounting Office has recommended establishment of a revolving fund to handle fee-service activities currently operated out of numerous gift revolving funds. Any new specialized services would also be included in that mechanism.

The Library of Congress Fund Act of 1992 provides a rational way of making more of its vast resources available to more Americans. It will not infringe on private enterprise or on free library core services.

It continues the Library's long tradition of providing necessary services that the private sector cannot provide—as we did in 1902 with the card service and again in 1968 with the

(Cont. on p. 355)

Fund Act *(Cont. from p. 352)*

with the private information industry. The witnesses were Patricia Glass Schuman, a publisher and past president of the American Library Association; Nicholas Veliotes, president of the Association of American Publishers Inc.; Ken Allen, executive vice president of the Information Industry Association; and Peter Ward, a "custom processor" of MARC records.

Speaking on behalf of the ALA , Ms. Schuman suggested that the proposed expansion of LC fee-based services might lead to restrictions on access to government information; she also suggested that such services would lead to greater disparities among people in terms of access to knowledge.

Mr. Veliotes said he feared that the Library, under S. 2748, could become a private entrepreneur, that it could "become careless" in the matter of copyright protection and become preoccupied with "profit maximization rather than public service." He urged delay and further discussions "involving substantial time and effort," to develop a more satisfactory bill to be introduced in 1993.

Backing the Library were three working librarians: Barbara Evans Markuson, executive director of the Indiana Cooperative Library Services Authority; W. David Penniman, president of the Council on Library Resources; and Lee Anne George, immediate past chair of the ALA/ACRL FISCAL Discussion Group, and head of fee-based services at George Washington University's Gelman Library.

Excerpts from the Librarian's June 22 testimony are published on the following page, along with related material.

For the Record: Excerpts

Following are excerpts from the statement submitted for the record July 22 by James H. Billington on S. 2748, the Library of Congress Fund Act of 1992. (The full text of the Librarian's "reading statement" before the Senate Committee on Rules and Administration begins on page 352.):

. . . The Library of Congress needs this legislation to make its vast collections more accessible and to become ever more useful to the wide range of librarians, teachers, researchers, scientists, entrepreneurs and plain citizens across America. We must share this great national asset. . . .

This legislation updates and clarifies the language of Title 2 of the United States Code, section 150. Written in 1902, it makes reference to "card indexes and other publications" and focuses on card distribution as the primary means of sharing cataloging data. Over time, of course, the Library has developed many other products in many other formats to meet the cataloging needs of the nation's libraries, among them MARC tapes and CDMARC Bibliographic.

I emphasize that the Library of Congress is reimbursed by the nation's libraries and other users of national library products only for the costs of *distribution* of these key products, not for the original cost of creating them. (The original cost is borne by the taxpayer through regular Library appropriations.) . . .

Establishing a Fund to Provide Specialized Products and Services: This legislation is necessary in order to define and clarify the Library's authority to be compensated for a number of fee-service activities now operated out of gift revolving funds. As recommended by the General Accounting Office, the new Fund would serve as the proper fiscal vehicle for these activities, which include the gift shop, photoduplication, recording laboratory, exhibits, and publishing funds, and the acquisition of foreign material for over 90 research libraries (currently handled via the Library's gift fund authority). . . .

The legislation is also necessary if the Library is to provide a variety of new customized services which have been requested but which are not appropriately financed by public monies. What are such new specialized services? We have in mind the time-consuming "extras." For example, a lawyer in San Diego wants our Law Library to find, analyze and send him copies of all the relevant court decisions on divorce law in Chile. Or a publisher in Chicago wants us to find and provide copies of all our hundreds of pictures of Mark Twain. Or a research scientist in Houston wants us to find, translate and mail all our recent Japanese journal articles on satellite technology. Or a library in Kentucky wants us to train one of its key people in how to preserve books.

Meeting such requests for "extras" goes well beyond the core services paid for by the taxpayer. We believe that such highly specialized requests should be met, in the public interest, but that the costs of the extra effort required—and no more—should be paid by the person requesting the extra service, not by the taxpayer. Because no administrative mechanism exists for the Library to be compensated, such requests must now be refused. . . .

We seek full cost recovery but no profit. . . .

The Library of Congress is not the only library seeking to complement private sector information activities. Fiscal austerity and new demands for specialized services have led to a rapid but generally unpublicized increase in fee-based services provided by American libraries. . . .

The New York Public Library, for example . . . does specialized research in all fields for $75 an hour, with a turnaround time of 48 hours. The North Carolina State University libraries provide photocopying of journal articles, technical reports, and patents and will deliver photocopies by fax or overnight mail. The Massachusetts Institute of Technology library does customized research tasks in electronics or emerging technologies for varying fees. The Fort Worth Texas public library does genealogical research for its patrons; the list goes on. . . .

A 1992 FISCAL directory, due to be published shortly, is expected to show more than 400 libraries of all kinds involved in fee-based service. In fact, the Association of Research Libraries is conducting a workshop in October in Tempe, Ariz., for its members interested in the topic.

The Library plans no surprises. The Library will publish notice of all new proposed cost-recovery activities in the Federal Register, give the public 45 days to comment and publish the Library's final decision on a new specialized library product or service in the Federal Register.

The legislation establishes full cost recovery for the production and distribution of specialized library products and services sold via a Library of Congress Revolving Fund. This practice embodies the principles of 31 U.S.C. 9701: "It is the sense of Congress that each service or thing of value provided by an agency to a person is to be self-sustaining to the extent possible."

The legislation does not apply to the operations of the Copyright Office or the Congressional Research Service, nor does it permit the Library to impose redistribution fees on domestic end users of national library products and services; nor does it in any way modify the Library of Congress distribution of publications to some 1,300 Federal depository libraries, as required by Chapter 19 of Title 44. . . .

This bill is a product of many discussions with the library, information industry and publishing communities. It answers the substantive concerns raised by these groups. In drafting the legislation, the Library of Congress met with officials of the Financial Management Service, Department of the Treasury; staff of Senator Pell's office and the Committee on Rules and Administration; staff of the Subcommittee on Libraries and Memorials, of the Committee on House Administration; representatives of, among others, the American Association of Law Libraries, the American Library Association, the Association of American Publishers, the Association of Research Libraries, and the Information Industry Association.

The new bill affirms for the first time the Library's role as a national library and assures all its constituents that the Library will continue to provide free core services.

It responds to the GAO recommendation to establish a proper fiscal vehicle for cost recovery activities.

It limits the universe of authorized new Library specialized products and services and provides strong financial and procedural safeguards. But it allows us to move forward in the Information Age in service to the nation. . . .

Reading Statement *(Cont. from p. 353)*

machine-readable cataloging (MARC) service.

It reaffirms the Library's current strict practices relating to copyright protection and distribution of Library publications to the depository library system.

It provides for strong controls for the operations of the revolving fund, including a General Accounting Office audit. Like all Library efforts, any new service that we develop on the basis of this legislation will emerge from extensive prior consultation with interested parties and will be subject to oversight by the Joint Committee on the Library. The Library will publish notice of proposed new fund service activities in the Federal Register and provide a 45-day public comment period. All fund service activities, new and old, will undergo annual scrutiny during the regular congressional appropriations process.

The act is, in essence, an overdue act of *modernization* in the national interest. My statement submitted for the record spells out the details, Mr. Chairman. We must have modern legislation if we are to make the Library a vital catalyst in the dissemination of knowledge in the 21st century.

This legislation is essential if LC is to realize its potential both for serving libraries in new ways and for generating new vitality and job opportunities in the private, and particularly in the information, sector. So I feel particularly anxious to lay to rest some of the general concerns that members of those communities have expressed.

First, some suspect that today's core services will be frozen in time. This fear is unfounded. The bill itself defines "core services" as those customarily provided to users at no charge. We have repeatedly assured the library community, and do so again today, that we envision core services as dynamic, like the Information Age itself. We are committed to sustaining and even expanding them. For example, we have already established a National Reference Service to handle reference queries from libraries and individuals across America. We are also exploring the establishment of an automated reference center for scientific and technical information, which can satisfy the widely acknowledged need for a kind of "yellow pages" directory to the Internet.

"The real question is: Will Congress's Library be a catalyst for more productivity and creativity for America in more fields? Or should the Library revert to being a passive warehouse, just for people inside the Beltway, its great resources underused while the nation strains to remain competitive?"

Second, some in the library community fear that all new technology-based services—particularly electronic ones—will be fee-based.

Wrong again. Let me give you one example of our expansion of core services via technology. Recently, the Library conducted a successful experiment in use of the Internet, to disseminate at no cost electronic versions of a major Library exhibition of documents from the Archives of the former Soviet Union which were connected on, downloaded and used for local purposes by thousands of people. Our plans include provision of electronic versions of future exhibitions as part of our outreach to the library and scholarly communities.

A third major concern in the library community is that there may be a widening gap between the information haves and have-nots.

On the contrary, LC programs will dramatically increase the number of the haves. As indicated by the examples I just cited, this legislation will provide new products and services that did not exist before and contribute to the general resources available to all.

Fourth, some librarians are concerned that S. 2748 will affect the Library of Congress' participation in the Federal Depository Library Program.

This concern has no basis in fact. As you may recall, Mr. Chairman, when I testified before you and the Joint Committee on Printing in April 1991, I stated that "the Library of Congress is well served by the Depository Library Program's dissemination of our publications throughout the system." To reaffirm our commitment before this committee, Mr. Chairman, and to reassure the library community, let me emphasize that the bill, *at our request*, includes not one but two sections addressing this issue. One states that it is the intent of the Congress that the Library shall continue to distribute publications to depository libraries as required by United States law. The second states that nothing in this act shall be construed to modify in any way the Library's distribution of publications to federal depository libraries. I do not see how I can make our intention any clearer.

Some in the information industry say the bill places LC in direct competition with private industry, thereby reducing public access to information. Our experience shows the opposite. When the Library makes information available, it stimulates

(Cont. on p. 360)

Some Came from Near, Others Far . . .

Barbara Evans Markuson, executive director of the Indiana Cooperative Library Services Authority, was among those in the library community who testified July 22 in favor of the Library of Congress Fund Act of 1992 (S. 2748). During the early 1960s Ms. Markuson was a Library of Congress employee.

Over the past three years I have been participating in, and observing the progress of, the development of the Library of Congress Fund Act of 1992.

During this time I was chairperson of an American Library Association task force that held open hearings and that regularly met with Library of Congress officials to discuss this legislation.

However, I am appearing here today as a private citizen. I have come at my own expense to testify because of the significance of this legislation for the Library of Congress and its future ability to serve a wide range of public interests.

The question before us is whether the Library of Congress Fund Act of 1992 is good public policy and in the public interest. The Library of Congress has been developing this legislation for more than two years, and many issues concerning the Library's services have been considered at length by two major interest groups—librarians and information vendors.

The concerns raised by librarians covered three major areas. These were: (1) core services (2) cost recovery mechanisms proposed for national library products and services and (3) the potential negative effect of fee services on basic core library services to the public.

Librarians were concerned that legislation affecting the Library of Congress not set a precedent that could erode the services that the

Barbara Evans Markuson

general public has come to expect from libraries. Because the Library of Congress has long held a special role in American library development, it was felt that allowing it to offer fee services could compromise free library services. It was argued that such legislation might, in the future, allow the Library or the Congress to convert the Library's traditional free service to the public to a fee service. To do so would surely lead to a gradual erosion of free library service nationwide.

When the Library of Congress became aware of this concern it worked cooperatively to address this issue. This resulted in the important definitions of core services, to be provided free to its public, that are found in Title I, Section 101, in this legislation.

It is hard to overestimate the importance of this legislation, as it affects the Library's provision of national library products and services. These services impact the daily operation of virtually every library in the country and are relied on by dozens of business and nonprofit enterprises. These services provide the basic records which millions of Americans access daily as they use their libraries in schools, colleges, towns and businesses throughout this country. The Library of Congress estimates the value of its cataloging alone as saving at least $370 million a year to the U.S. economy; this estimate is probably very conservative.

Many issues concerning these vital national library products and services arose. . . . While there was general agreement that the Library needed to modernize its legislative authority, there was uncertainty how best to protect traditional services while allowing for needed improvement and development. For example, there was fear that the Library, or Congress, might at some time try to recover costs of cataloging by reducing appropriations and reassigning these costs to national library products and services. The legislation has addressed one key concern by defining cataloging as a core service, costs of which are not recoverable through sales of national library products and services. . . .

There was an attempt to limit the Library in its ability to fully recover its costs of distribution [of bibliographic products]. I believe that it is crucial that the Library be able to recover all of these costs, for two reasons.

First, in the long run, libraries and information vendors will profit most if the Library is able to assure ongoing provision of efficient, state-of-the-art bibliographic services to them.

Second, if this legislation did not allow the Library to fully recover its costs of distribution, then these costs would have to be recovered from the Library's appropriation for its core services. If this were allowed, the Library's cataloging, reference, interlibrary lending and other core services would suffer. Thus, reduction of the allowable recoverable charges

(Cont. on p. 362)

. . . To Support the Library's Fund Act

Testifying with Barbara Evans Markuson on July 22 was Lee Anne George, another working librarian:

I am the head of the Document Delivery Services Department at the Gelman Library, George Washington University, in Washington, D.C. This department includes both a traditional interlibrary loan unit and a cost-recovery fee-based information service.

I am also immediate past chair of Fee-based Information Service Centers in Academic Libraries (FISCAL), a discussion group of the Association of College and Research Libraries, American Library Association.

I am here today to testify, based on my own experience and my discussions with other directors of fee-based information services, that enabling the Library of Congress to provide the specialized library products and services listed in bill S. 2748 on a fee basis would contribute greatly to meeting the information needs of America's researchers and businesses.

There is a demand for these specialized library products and services. The demand is intense and growing. Recognizing that traditional library budgets cannot support this demand, more and more libraries—public, academic and special, both in the United States and around the world—are responding by providing similar specialized products and services for a fee. There are similar programs in the national libraries of several other countries too.

Individuals, institutions and businesses recognize the need to pay for a special level of library service, in order to receive the information they need for critical decision-making in a timely and cost-effective manner.

I recently attended the American Library Association convention in San Francisco. At every meeting I heard the same story of library budget cuts. A common result of tight budgets has been reduced spending on books and journals. Every speaker repeated the need to maximize resources, share resources and use technology to improve the access to and delivery of information. Bill S. 2748 will allow the Library of Congress to establish a fee-based mechanism to maximize its human and material resources and to better share those resources by improving access to them.

Lee Anne George

For example, one of the proposed services is research reports and analytical studies. The staff at the Library of Congress has considerable subject expertise that could be used to prepare such reports. At this time, the expertise is unavailable to America's researchers because such activity cannot be supported by appropriated funds, and there is no mechanism for charging.

At the convention, I also heard a call for a new model for libraries. Libraries must shift their emphasis from an archival role of acquiring and preserving the physical containers of information to a new emphasis on a role of dispensing the contents of the containers. It is no longer adequate to expect users to come to the information; libraries must find better ways to deliver the information to the user. While traditional interlibrary loans deliver information to users, lending transactions are between institutions and are limited by staff resources and affordable delivery mechanisms. Typical response time is often a month or more. This bill would improve the Library of Congress' ability to dispense—directly to the users who need them—the vast information resources that it has so carefully acquired and preserved, by supporting the necessary staffing of the speedy delivery mechanisms.

Information is a national resource as important as precious metals. The demand for information is great. American libraries and commercial document suppliers are rising up to meet the demand, but some of the largest and most efficient document suppliers are outside the United States. The fee-based document supply service within one foreign national library reports that requests from the United States increased by 50 percent in the last year alone. Many of these requests could have been satisfied by the Library of Congress if it had the appropriate services.

It frustrates me that in my job of providing documents to researchers and business clients, it is faster and easier to obtain a copy of an American journal article from a foreign library than it is from the Library of Congress. Fast access to reliable information is so essential for daily decision-making that, unless there is a clear role for our own national library in the information marketplace, Americans will be forced to look increasingly to foreign suppliers for the information they need. *(Cont. on p. 364)*

The Librarian Responds to Congress's Queries

When the witnesses had finished presenting their testimony to the Senate committee, a question-and-answer period followed. Some of those queries to the Librarian and his responses follow:

Sen. Brock Adams: It is my understanding that the Library has more documents and photographs and historical materials that have never really been seen or are boxed or are crated than any other place in the entire world—is that correct—stuck in basements and so on, and that part of your job is to try to catalog all of this? I was wondering if it is possible that this bill could be used as a fee system so that taxpayer money is not used? . . .

Dr. Billington: . . . What we need and what we think is appropriate . . . is to find new ways to get these materials out more rapidly, more efficiently to more people, and that part of that should be defrayed by fees paid by those who want and need the special added effort that is involved for it. . . .

We do not think it is proper to mix the core functions of sustaining, cataloging and making available the core functions of the Library with fee service activities, which should be clearly encapsulated. And we don't want to make, in my view, the mistake that the British Library made, for instance, in attempting to, in effect substitute or play with the illusion that you can substitute private funding for public funding.

What you want to do is add new services where it is proper to charge a fee for the particular person, not compromise the basic integrity and the long history of fundamental support by all the people of all the people's resources. But making it available for some of the people in special new ways in some areas is the only area, and sustaining those activities by a revolving fund is the purpose of this legislation.

But I would like to stress that the fundamental problem you point to, getting this stuff in order is our fundamental responsibility at the Library, and I think it is properly to be done and is, in fact, being done, thanks to the enlightenment and support of the Congress when this problem was fully explained to them on the public side.

Sen. Claiborne Pell: What is the Library going to do to ensure that providing specialized products and services would meet its intent to fulfill needs unmet by the private sector, rather than competing with the private sector? In other words, as you know, there is some concern that you will be in competition with the private sector. How are you handling that, making sure you don't?

"It will be very unlikely that we would come up with a customized service that would actually compete with something that exists on the open market, or it wouldn't be worth doing."

Dr. Billington: First of all, the generation of any new specialized or customized services will come from the kind of direct needs and requests that our staff perceive existing out there from dealing with millions of requests in the course of a year. It is a unique kind of broad survey of the public of the vast kinds of users. . . .

The resources and knowledge of our staff and . . . their creative sense of possible new uses and new things come both from unique exposure to these collections—a unique inventory of the world's intellectual productivity every year—and unique exposure to the largest sections of consumers of information that any institution probably faces in this country. . . .

So there is a presumption in the generation of any fee service activity that it is not being met or it wouldn't have bubbled up through this kind of internal process.

At any point when we are considering [a new fee service], we enter into extensive consultations, which we continuously have with various elements of the private [sector] and various special interest groups and professional groups. . . . So it is a consultative process. It will be very unlikely that we would come up with a customized service that would actually compete with something that exists on the open market, or it wouldn't be worth doing.

The real question arises of whether you are going to say that you are going to do something that nobody can conceivably do somewhere sometime. And that is such a hypothetical case that no one can satisfy that. . . . That is really the concern of many of the special interest groups that are raising a whole variety of miscellaneous objections and implications against moving ahead, because there is a certain disposition to think that nobody should do anything that somebody somewhere in the private sector might eventually get around to doing.

But it is unlikely that the private sector could at any time or would want to, would find it worthwhile investing in the depth of knowledge and exposure to the materials that our staff has. . . . So this is just a responsive supplement to what the private sector is actually doing, and it is one that will in turn—as history demonstrates, as it makes more of these vastly underused materials

available to the people—generate new opportunities for collaboration with fresh business for the private sector. . . .

Sen. Daniel Patrick Moynihan: This is not so much a question as a testimony. Dr. Billington mentioned the exhibit the Library has put on of papers from the [formerly secret Russian archives] over the last 60 years, which I think would never have come about save for his own personal initiative in getting over to Moscow and into those archives.

But it is the most extraordinary thing I have ever seen in a library, and with an extraordinary sense of what was on display, the first thing you saw was not some chronological first telegram to the checker, or whatever. The first thing was Bukharin's letter from prison confessing his sins, pleading for his life, granting that he deserved to be shot 10 times over for having betrayed the Communist Party, but asking a chance to redeem [himself] and pay back something. [Nikolai Bukharin was a Communist leader who was suspected of subversive activities; he was tried and executed in 1938 with other Bolshevik leaders.]

It is one of the great artifacts of the 20th century. The totalitarians tortured people not to make them tell the truth, but to make them lie. A very different thing.

I just speculated, as I was watching this, how close did [Hungarian-born British writer Arthur] Koestler come to that tone, that language in "Darkness at Noon," which was modeled on Bukharin. And within a day, I had three letters from three librarians. They had gone and found "Darkness at Noon." They had looked it up, they had checked to see how good could even Koestler have imagined the reality. He was close. But it was an extraordinary exhibit. Those are extraordinary people over there. I just wanted to take the chance to say so.

Sen. Moynihan: You said, Dr. Billington, that you have distributed this exhibit to other libraries electronically? . . .

Dr. Billington: Yes, sir, Senator. What we have done is give it free to three major networks, computerized networks, which made—not all of the documents, but the most interesting and important ones—available electronically. We had the head of the archives and the head of the reform commission to declassify and open up the KGB archives. Gen. Volkogonov, who is probably the single closest adviser to [Russian] President Yeltsin. We had the two of them here for a week. [They answered questions during an on-line nationwide dialogue.]

The [public and the experts] . . . asked questions [of] Russian experts and distinguished American scholars. . . . And those questions were not just answered for an audience inside the Beltway. Those were questions answered on an open network which could be downloaded so that you could take down not only for use in your school or your library the document that we were exhibiting, [but also] the conversations that experts were having about them. [Many of the callers were] émigrés. Many people whose relatives had suffered had interesting things to say. Their comments, you could take all that down too in your local school or library.

Sen. Moynihan: Doesn't that suggest that we have an extraordinarily dynamic institution here? Not just to go over and get those documents, bring the Soviets who could talk on them and put them out onto desks and into the conference rooms and libraries all over the country, I think that is extraordinary. And I think it is in the same spirit that Dr. Billington comes in support of this measure. . . .

Text of S. 2748

To authorize the Library of Congress to provide certain information products and services and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Library of Congress Fund Act of 1992."

SECTION 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Library of Congress was established by the Congress as a library for the Congress;

(2) The Congress has extended the services of the Library of Congress to the Nation;

(3) The Library of Congress now serves the Nation by providing research and reference for Congress and providing access to its rich collections through its reading rooms and through interlibrary loan and through a variety of special programs and services;

(b) INTENT OF CONGRESS.—It is the intent of Congress that—

(1) core Library of Congress services shall continue to be provided at no cost to Library of Congress users and the Nation's libraries;

(2) the Library of Congress shall provide national library products and services, including bibliographic data and technical publications, and may recover the distribution costs for providing the same;

(3) the Library of Congress shall continue to distribute publications to depository libraries as required by chapter 19 of Title 44 of the United States Code;

(4) the Library of Congress may provide specialized library products and services on a fee basis and may recover the production and distribution costs for providing the same; and

(Cont. on p. 365)

Reading Statement *(Cont. from p. 355)*

the private sector to develop creative, competitive uses of the information—and value-added products from it. We are convinced these business dynamics will be even stronger in the electronic arena.

Of course, every library is in competition with commercial publishers to the extent that every publication borrowed by a library patron may represent one less sale. Over time, actual practice has benefited both libraries and publishers. This bill poses no threat to private industry and opens up a considerable new market opportunity for them.

Some in the information industry say the bill will establish policies inconsistent with generally accepted government information policies. This is a red herring. The *policies* articulated in the most recent draft of OMB A–130 have not been adopted by the Congress and may never be. The almost 100 million items in the Library of Congress represent the collective knowledge and wisdom of human civilization and is almost in its entirety *not* "government information" (as it is described in A–130). Our goal in S. 2748 is to make this vast resource more accessible to all who may need it.

Some industry people assert that the bill will result in reduced service to the Congress or the public. Wrong again. The bill will enhance our ability to provide service to both Congress and the public. We intend to enhance that service by the specialized products and services we produce. The specialized products and services originally paid for by a requestor will then contribute to the pool of Library of Congress resources that become freely available to the Congress and the public.

Some industry officials are simply speculating that the Library of Congress is not capable of providing both traditional core service and fee service and that one will have to occur at the expense of the other. There is simply no basis for that speculation. One can just as well assume that core services and fee services will complement and enhance each other. We seek the opportunity to prove our point.

Some people predict that the Library will charge fees far in excess of cost while others predict we will engage in predatory pricing. They are both wrong. Even if we *wanted* to do such things, we could not. We have no choice; we must follow General Accounting Office guidelines.

Some people raise alarms about the copyright implications of S. 2748 on two fronts: they worry that the Library will fail to comply with the copyright law if copyrighted works are used in specialized products; and they fear the Library will later ask for authority to copyright the specialized products it produces. These fears are unjustified. Let me reassure both Congress and the copyright owners: the Library intends to comply with the copyright law. The bill confirms this intention in its findings and nails down the point by providing that the act does not modify or change the copyright law. The bill doesn't include more specific copyright provisions because they would be needed only if the Congress sees a need for new limitations on the rights of copyright owners.

"Some industry people assert that the bill will result in reduced services to the Congress or the public. Wrong. The bill will enhance our ability to provide service to both Congress and the public."
—Librarian of Congress

S. 2748 in no way affects the existing prohibition on copyright in government works. Under existing law, the private sector contributions could be copyrighted, and the contributions by Library employees would not be copyrighted. I have no plans to request any amendment of the Copyright Act in this regard.

Mr. Chairman, I emphasize that this bill is a product of discussions since 1989 with the library, information industry and publishing communities. It answers the practical concerns raised by these groups on matters of substance.

Many fears were voiced when the Congress debated S. 272, the High Performance Computing Act, which established NREN [National Research and Education Network]. But Congress grasped the opportunity to move forward and passed the bill. Now that the legal basis is assured, all interested parties are engaged in working out the details of implementation. I urge the committee to follow this model with our fund legislation.

Mr. Chairman, the real question is: Will Congress's Library be a catalyst for more productivity and creativity for America in more fields? Or should the Library revert to being a passive warehouse, just for people inside the Beltway, its great resources underused, left in limbo, while the nation strains to remain competitive in an era of constantly changing knowledge and information exchange? The Congress must decide.

This legislation is vital to the Library's future as a national asset. Give us the tools, let us begin now to do the job and give us the chance to show today's doubters that we will help generate more jobs for them as well.

ANNOUNCEMENT

The LC *Information Bulletin* will not be published Aug. 24. Publication will resume Sept. 7 with a cover story on the Library's Hispanic Division.

Bills Would Provide New Gateways to Government Information

On July 23, the Librarian of Congress submitted testimony on H.R. 2772 (GPO Wide Information Network for Data Online Act of 1991 (WINDO)) and S. 2813 (GPO Gateway to Government Act of 1992) to a joint hearing of the Senate Committee on Rules and Administration, chaired by Wendell H. Ford (D-Ky.), and the House Committee on Administration, chaired by Charlie Rose (D-N.C.).

As electronic technology accelerates its growth, government-produced data bases have proliferated. But as information increases, the challenge is to disseminate

Sen. Wendell Ford

it economically, efficiently and broadly. The intent of the GPO Gateway/WINDO service is to make it easy for citizens to gain access to public government information. If enacted, the legislation will allow the Government Printing Office (GPO) to offer "one-stop shopping" for people to access, search and retrieve information from published data bases at GPO and other federal agencies.

Mr. Chairman and members of the committee:

I appreciate the opportunity to submit this written statement on H.R. 2772 and S. 2813, the proposed WINDO/Gateway legislation, which would give the Government Printing Office the opportunity to make certain federal data bases more easily accessible to the public.

The Library of Congress supports the premise that government information is a public asset. As I stated in testimony before the Joint Committee on Printing in April 1991, the Library of Congress is one of the major centers for government information—both as user and producer. The almost 100 million items in the Library of Congress represent the collective knowledge and wisdom of human civilization. They are *not*, of course, "government information" as it is normally defined.

We believe in the public's right to information.

Since the Library of Congress was established almost 200 years ago, it has used government information to help fulfill our mission of serving Congress, libraries and the general public. The Library has been a leader in developing and using new technologies to improve the public's access to information. For example:

☐ The Library's National Library Service for the Blind and Physically Handicapped in 1934 pioneered the development of the 33⅓ rpm disc for its talking book program in cooperation with the American Foundation for the Blind

☐ The Library was among the first to automate its bibliographic records and to offer its cataloging data on digital tape rather than in printed card format—a move that revolutionized the exchange of bibliographic data

☐ The Library's Cataloging Distribution Service, taking advantage of more recent changes in technology, now offers its bibliographic data in CD-ROM format as well as in print and on tape

☐ A National Demonstration Laboratory for Interactive Information Technology opened in the Madison Building this spring in order better to inform Congress and the public about some of the innovative applications made possible by the latest automated technologies

☐ A pilot project which we call "American Memory" is working with schools and libraries in 44 locations across the country to provide access via optical disk to unique collections of the Library of Congress

☐ The Library, in another institutional first, recently offered direct electronic access to selected portions of an exhibition "Revelations from the Russian Archives," via three different on-line services.

Rep. Charlie Rose

The purposes of the WINDO legislation are very much in concert with the examples mentioned above and with my own thinking about the future of the Library of Congress as a "library without walls."

The new digital and electronic technologies make it possible for the Library's collections to be more open and accessible than they have ever been, and this is the direction in which I want the Library to move. At the same time, I think that we need to make sure that proposed legislation accomplishes the high purposes for which it is intended and that it not be used inefficiently to transfer jurisdiction over programs that the Library has been administering. It is in this light that I raise the following for the committee's consideration:

More than 300,000 Call For America's Libraries

Supporters of libraries across the nation and from Guam and the Virgin Islands registered their backing recently by either calling a toll-free number or signing a petition.

The Call for America's Libraries, launched on March 16, Freedom of Information Day, asked citizens to take a more active role in "saying yes" to their "right to know" at a time of severe funding cuts for school, public and college libraries.

Those who gave their support included West Virginia Gov. Gaston Caperton, Kentucky Gov. Brereton C. Jones and writer Leo Buscaglia.

"I'm thrilled," said American Library Association President Patricia Glass Schuman. "This is the first time we have asked for a show of public support, and we got it. A quarter of a million people told us that libraries are a vital part of their lives and they want them fully supported.

An ALA delegation has presented the results to congressional leaders. Present at the June 17 ceremony were (from left) Charles Beard of West Georgia College, who was campaign cochair; Hardy Franklin, director of the District of Columbia Public Library and president elect of ALA (1993–94); Patricia Schuman; Senate Majority Leader George J. Mitchell of Maine; Nan Blaine Hilyard, director of the Auburn Public Library in Maine; and Eileen Cooke, associate executive director for ALA's Washington office.

WINDO *(Cont. from p. 361)*

☐ Since 1902 the Library of Congress has had statutory authority to make bibliographic information available to other libraries at a price to cover the cost of distribution, plus 10 percent. Since 1968 we have issued cataloging data in electronic format. We have asked, in the Library of Congress Fund Act of 1992, to update and continue that legal authority. We assume that these authorizations will continue so that our long-established cataloging distribution program or other statutorily authorized fee-based information services will be sustained to serve the nation.

Information—perhaps now more than ever—is an essential commodity. In moving toward making more information accessible to greater numbers of people, the proposed GPO Wide Information Network for Data Online Act is serving the needs of our knowledge-based democratic society. Its overall objective is in accord with the goals of the Library of Congress, the nation's premier information-based institution, but care should be taken that GPO adjust to and work with the Library and its long experience with the national information network.

I commend Chairman Ford, Chairman Rose, Senator Gore, and the other members of the committees for their outstanding leadership in helping to promote further dissemination of government information in electronic formats.

Markuson *(Cont. from p. 356)*

would, in the long run, hurt libraries and library users more than it would help them.

I am convinced that this legislation will enable the Library of Congress to continue its long tradition of national service to libraries and that these services will continue to be provided at a fair and affordable cost. This legislation reaffirms the crucial practice of building upon the cataloging and technical processing work already paid for through the Library's appropriation. But this legislation also strengthens the Library's ability to provide these services in an accountable and businesslike manner, to upgrade service and replace obsolete components on a planned schedule, and to deal more efficiently with changing volumes of demand and methods of distribution. This legislation should enable the Library to maintain a strong service in this vital area for decades to come.

There was another concern about fee services, especially new fee ser-

vices. It was felt that legislation that allowed fee services might erode both basic public services and national library products and services by designing new services so that they would qualify only as fee-based. While there was some concern that the Library of Congress itself might do this, there was even more fear that Congress would do this. In times of economic stress, this might be viewed as a way to reduce costs or increase revenue by requiring more fee-based services of the Library.

This legislation satisfies this concern in several ways.

First, it defines core services, national library products and services, and the types of audiences for which specialized fee services are intended. Further, in defining free core services as those customarily provided by libraries to its users, it sets a norm for future services for which the Library cannot charge. During the development of this legislation, there has been an aggressive attempt to limit the Library's future ability to provide specialized fee-based services to its many publics: . . . the [private sector] information community argued that: (1) the Library, through its tax-supported budget, has an unfair economic advantage which would allow it to undercut other organizations and (2) the Library should not be allowed to provide services that public and private vendors could provide.

The facts are that the Library has an outstanding record of stimulating, supporting and supplementing the work of both private and nonprofit entrepreneurs. In 1902 the Library of Congress began to provide a national cataloging service through its distribution of printed catalog cards, only after both nonprofit and commercial attempts to do so had failed. The Library was asked to take this challenge on; it did so and has provided nine decades of outstanding service.

One of the compelling arguments which led the Library to undertake the MARC [machine-readable cataloging] service came from Dr. Mortimer Taube, a librarian turned businessman and an information industry pioneer. He argued that he could not expand his computer services to libraries because the cost of creating machine-readable cataloging for each customer would be too high. He believed that a competitively priced library computer industry could not develop unless the Library of Congress provided national distribution of machine-readable cataloging. History has proved him correct.

Although the library has taken the lead in creating new information services, it has not attempted to maintain exclusivity in these services. It cooperated with book wholesalers by allowing them to distribute card sets with the books their customers were buying, thus allowing these businesses to provide a significant added value to their users.

In the late 1960s, the Library of Congress provided computer software with its first shipments of MARC machine-readable catalog tapes. After the pilot project provided the value of the MARC record, the Library of Congress concluded that provision of computer software was not an appropriate service for it to provide. This decision helped spawn a very large MARC-based information industry in which a wide range of enterprises, from the independent consultant to large multinational corporations, takes part. . . .

I believe the Library has demonstrated, over the years, an excellent track record in knowing what it should do, what it should leave to others and what it should initiate and turn over to others.

With respect to undercutting the information industry by distributing products at an unfair price, I do not believe that this is the case. The Library is not in a position to compete in this manner. Further, the Library has a vigilant national consumer group which would report instantly to Congress, were this to happen. In fact, the recent [1989] controversy, when the Library tried to license its MARC records, resulted from the fact that many believed that the Library was competing unfairly by increasing prices, not by reducing prices. Vendors argued that the Library would drive them out of business or significantly reduce their profits because it was raising costs, not because it was competing unfairly by lowering costs.

The instant and widespread response that the licensing plan generated illustrates two important points:

First, the Library of Congress is responsive. It withdrew its plan and worked with many groups to understand better the effect its pricing has on both libraries and vendors.

Second, the many letters to Congress concerning pricing and use of MARC tapes should alleviate any concerns you might have about whether you will hear from future consumers, in the unlikely event that the Library would make decisions harmful to your constituencies. . . .

The Library of Congress is like an iceberg. Each of us sees only the tip that we know best. This is not an agency with a narrowly defined interest; this organization deals with every field of knowledge, serves every conceivable kind of user and is staffed by scholars, specialists and librarians, serving not their own interest but the public interest. To generate the most good from this remarkable national investment in knowledge, [the Library] needs to be able to collaborate, to attract gifts and grants, to experiment, to take risks, to sometimes fail and every few decades to come up with a magnificent information invention like the MARC format. . . .

I urge you to pass this legislation promptly and to resist any attempts to place further restrictions on the Library. They have given us decades of good service and I see no reason to doubt that this exemplary record of public service will continue. This Library is so important to our country that I hope all of us—librarians, Congress and the information industry—will work to help it prosper for future generations. The risk is low and the returns can be extraordinary.

George *(Cont. from p. 357)*

I would like to close my remarks with an example of how the lack of specialized library services creates roadblocks in information delivery. This happened just last week:

A businessman in California needed an article from a foreign journal. He went to his local public library for help in obtaining the article. The library staff identified the Library of Congress as the only U.S. library that had the journal. They contacted the Library of Congress and were told to follow the normal procedures—mail particular forms along with a check for prepayment of photocopy costs and the article would be mailed back to them. The businessman could not afford to wait, first for a check request to be processed by the Library and then for the request to be sent by regular mail.

He needed the information immediately to make his business decision, so the public library decided to call the fee-based information service at my library. They asked us to send someone to the Library of Congress to get a copy of the article. This is a service we routinely provide, and while I welcome the request, we have to allow an average of three hours to fill this kind of order. I know from personal experience that the staff of the Library of Congress could have filled this request in 15 minutes and faxed the document directly to California. The California businessman finally got the information he needed, but how do you calculate the cost of delay to the productivity of his operation?

My colleagues in fee-based information services and I welcome specialized services that will make it easier than this to use the rich collections of the Library of Congress. Without them, the level of service will be the same for everyone. Unfortunately, that level will be inadequate for many.

During a question-and-answer period following the participants' testimony, Sen. Ford questioned Ms. George.

Chairman Ford: How do you answer the critics of this bill who state that such specialized services will discourage businesses from entering into areas in which the Library of Congress offers such services?

Ms. George: It has been my experience as chair of the FISCAL discussion group, which is responsible for the directory that we mentioned earlier today, that fee-based services are starting up in more and more libraries. The fourth edition of the directory will have twice as many entries as the previous edition, which came out in late 1990, early 1991.

The parallel to that is the increased number of private information brokers. Since 1897 an association of information brokers had 27 members. Now they list over 400 members. During that same time, the demand on my fee-based service continues to grow. Even with the increase of this type of service around the country, there is so much demand. And as individuals and businesses find out that this type of service is available, they want it even more.

We haven't even begun to saturate the market of providing this type of service. Right now there is plenty of room for everyone. The Library of Congress collections are closed to many people who could benefit from them.

On July 14 the Librarian invited members of Congress for a special tour of "Revelations from the Russian Archives," an exhibit of formerly secret papers of the Communist Party. Sen. Richard Lugar (R-Ind.) (far left) and Sen. Paul Sarbanes (D-Md.) view a letter by Lenin while the Librarian and Abby Smith, a Russian historian at LC, explain its significance. The 1922 letter concerns Lenin's plan to seize property from Soviet churches to finance state activities, while telling citizens the funds will be used to help feed starving peasants. Lenin also calls for "smashing," with "such brutality that they will not forget it for several decades," the Black Hundreds clergy, who were leading a resistance. *Photo by Reid Baker*

Text of S. 2748 *(Cont. from p. 359)*

(5) copyright in the creation and dissemination of data bases and other informational works shall be protected and that copyright protection will be assured in accordance with the provisions of the Copyright Act (title 17 of the United States Code).

(c) PURPOSES.–The purposes of this Act are–

(1) to expand and clarify the authority of the Library of Congress to provide certain information products and services;

(2) to make national and specialized library research and information products and services more readily available to Federal, State, and local agencies, foreign governments, as well as libraries, schools, institutions of higher education, industry, business, and other organizations and individuals by clarifying and defining the authority of the Library of Congress to be compensated for such products and services; and

(3) to provide administrative mechanisms whereby the Library of Congress may charge fees for certain information products and services.

TITLE I–LIBRARY PRODUCTS AND SERVICES

SEC. 101. DEFINITIONS.

As used in this Act–

(1) CORE LIBRARY PRODUCTS AND SERVICES.–The term 'core library products and services' means domestic interlibrary loan and information products and services in any format customarily provided by libraries to users at no charge–such products and services include organizing, cataloging, and preserving library collections, and providing access to Library reading rooms, reference services, and collections.

(2) NATIONAL LIBRARY PRODUCTS AND SERVICES.–The term 'national library products and services' means information products and services, in any format, including bibliographic products and services and other technical publications, that–

(A) are used by libraries and library organizations, and

(B) play a role in maintaining and improving library services throughout the Nation.

(3) DISTRIBUTION COSTS.–The term 'distribution costs' means costs sustained by the Library of Congress, over and above the costs of services funded by appropriations, to package and distribute national library products and services. Such costs include salaries and benefits, materials and supplies, inventory obsolescence, travel, research and development costs related to the distribution of national library products and services, operation and maintenance, depreciation, and related administrative costs.

(4) SPECIALIZED LIBRARY PRODUCTS AND SERVICES.–(A) The term 'specialized library products and services' means customized information products and services that–

(i) exceed core services;

(ii) are not national library products and services; and

(iii) are designed for individuals or discrete groups of persons or entities.

(B) The products and services are limited to the following:

(i) research reports and analytical studies,

(ii) gift shop items such as realia, publications, graphic and pictorial materials, and audiovisual works and sound recordings associated with Library collections, exhibits, performances, or special events,

(iii) translation and foreign language services,

(iv) item replacement, document location, copying and delivery services,

(v) search of data bases,

(vi) centralized acquisition of books, services and library materials for Federal libraries and information centers,

(vii) centralized acquisition activities for libraries participating in Library of Congress overseas programs,

(viii) training in preservation methods and library services,

(ix) preservation products and services,

(x) special events and programs, and

(xi) electronic access to the contents of the collections.

(5) PRODUCTION AND DISTRIBUTION COSTS.–The term 'production and distribution costs' means costs related to the research, development, production and distribution of a specialized library product or service. Such costs include salaries and benefits, materials and supplies, inventory obsolescence, travel, research and development costs, operation and maintenance, depreciation, and related administrative costs.

SEC. 102. NATIONAL LIBRARY PRODUCTS AND SERVICES.

(a) IN GENERAL.–The Librarian of Congress is authorized to furnish to institutions or individuals for purchase national library products and services.

(b) CHARGING FOR PRODUCTS AND SERVICES.–The Librarian of Congress may charge a price for products and services referred to in subsection (a) that covers the distribution costs of the products and services. All moneys received through the distribution of national library products and services shall be deposited in the Treasury and shall be credited to the Library of Congress salaries and expenses appropriation to remain available until expended for necessary distribution of such products and services of the Library.

(c) REPEAL.–The paragraph beginning "The Librarian of Congress" under the heading "PUBLIC PRINTING AND BINDING" in section 1 of the Act of June 28, 1902 (ch. 1301; 32

Stat. 480), as amended by section 405(c) of Public Law 95-94 (91 Stat. 682), is repealed.

SEC. 103. NEW FUND SERVICE ACTIVITIES.

(a) IN GENERAL.—The Librarian shall publish in the Federal Register new Fund service activities proposed to be undertaken subsequent to the date of enactment of this Act, including information about the cost and nature of the new activity. The public shall have at least 45 days to comment on the proposed new activity. Any final regulation establishing a new activity within specialized library products or services shall be published in the Federal Register accompanied by an explanation of the Librarian's decision.

(b) LIMITATION.—Any new Fund service activity shall be established as provided in section 202(a).

TITLE II—LIBRARY OF CONGRESS REVOLVING FUND FOR SPECIALIZED PRODUCTS AND SERVICES

SEC. 201. DEFINITIONS.

For the purposes of this title:

(1) FUND.—The term "Fund" means the Library of Congress Revolving Fund.

(2) LIBRARY OF CONGRESS REVOLVING FUND.—The term the "Library of Congress Revolving Fund" means that fiscal resource established in the United States Treasury to enable the Library of Congress to conduct a cycle of operations in which expenditures generate income, which is then credited directly to that resource.

(3) FUND SERVICE ACTIVITIES.—The term "Fund service activities" means the specialized library information products and services authorized by this Act and any other activities lawfully assigned by the Librarian of Congress to the Fund service units under section 103.

(4) FUND SERVICE UNITS.—The term "Fund service units" means those organizational entities that, at the direction of the Librarian of Congress, are partially or fully sustained through the collection of fees credited to the Fund.

SEC. 202. LIBRARY OF CONGRESS REVOLVING FUND.

(a) ESTABLISHMENT OF FUND—

(1) IN GENERAL.—There is established in the Treasury of the United States the Library of Congress Revolving Fund. The Fund shall be available to the Librarian, without fiscal year limitation, for use as a revolving fund to carry out Fund service activities.

(2) RESTRICTION.—Obligations for Fund service activities are limited to the total amounts specified in the appropriations Act for any fiscal year.

(b) FUND CAPITAL.—The capital of the Fund shall consist of the aggregate of—

(1) appropriations made to provide capital for the Fund, which appropriations are authorized under this Act; and

(2)(A) the sum of the fair and reasonable value of such supplies, equipment and other assets as the Library from time to time transfers to the Fund (including the amount of the unexpended balances of gift funds relating to activities the financing of which is transferred to the Fund), less

B) the amount of related liabilities, the amount of unpaid obligations, and the value of accrued annual leave of employees which are attributable to the activities the financing of which is transferred to the Fund.

(c) CREDITING TO THE FUND.—The Fund shall be credited with—

(1) all fees, advances and reimbursements received from any source for specialized library products and services furnished or to be furnished under this Act;

(2) receipts from sales or exchanges of property, and payments for loss or damage to property, accounted for under the Fund;

(3) all receivables, inventories, and other assets associated with Fund service activities;

(4) any sums appropriated by law for the conduct of Fund service activities; and

(5) any sums accruing from interest paid on Fund investments.

(d) FUND SERVICE ACTIVITIES.—The Librarian of Congress is authorized to furnish to institutions or individuals for purchase specialized library products and services. The Librarian of Congress may charge a price for such products and services that will cover the production and distribution costs of the products and services.

(e) FEES.—The Librarian shall set fees to recover the costs of specialized library products and services provided by each Fund service unit. To the maximum extent feasible, the activities of each individual Fund service unit shall be conducted on an actual cost basis over a reasonable period of time.

(f) AVAILABILITY OF FUNDS.—The Fund shall be available to the Librarian for the payment of all costs of conducting Fund service activities, including the payment of any financial obligation related to these activities that were undertaken by the Librarian of Congress prior to the establishment of the Fund and that were subsequently transferred to the Fund by law or in conjunction with any reorganization authorized by law.

(g) FUND SERVICE UNITS.—The nonappropriated capital of the Fund shall be accounted for by Fund service units. Any unobligated and unexpended balances of these Fund service unit accounts shall be available to support research and development activities of that Fund service unit. Fund service unit accounts shall not be commingled with other Fund service unit accounts.

(h) INVESTMENT OF FUNDS.—The Librarian of Congress shall immediately invest and reinvest with the approval of the Secretary of the Treasury in public debt securities of the United States such currently available portions of the Fund, other than appropriated

capital, as are not immediately required for payments from the Fund. Investments in public debt securities shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity. The income derived from these investments constitutes a part of the Fund.

(i) MISTAKEN OR OVERPAYMENT FROM FUND.—The Librarian of Congress shall make provisions for the refund from the Fund of any fees paid by mistake or overpayment.

(j) EXCESS FUNDS.—Any unobligated and unexpended balances of the Fund which the Librarian determines to be in excess of amounts needed for activities financed by the Fund shall be deposited in the Treasury of the United States as miscellaneous receipts.

(k) REPORTS.—The Librarian shall report activities and financial transactions of the Fund in the Annual Report of the Librarian of Congress.

(l) AUDITS.—The General Accounting Office may audit the financial activities of the Fund pursuant to the regulations of the Comptroller General.

TITLE III—GENERAL STANDARDS AND LIMITATIONS

SEC. 301. PRESERVATION OF SECURITY CLASSIFICATION.

(a) IN GENERAL.—Notwithstanding any other provisions of this Act, the Librarian of Congress shall respect and preserve the security classification of any scientific or technical information, data, patents, inventions, or discoveries in, or coming into, the possession or control of the Library of Congress. The President or a designee shall certify the classified status of any classified items received by the Librarian of Congress as being essential in the interest of national defense.

(b) EFFECT ON OTHER LAWS.—Nothing in this Act shall be construed as modifying or limiting any other statute relating to the classification of information for reasons of national defense or security.

SEC. 302. APPLICATION OF ACT.

(a) COPYRIGHT OFFICE.—This Act shall not apply to the authority and operation of the Copyright Office nor shall the Act modify or otherwise change any provision of title 17 of the United States Code.

(b) CRS.—In keeping with the intent and purposes of provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970 (2 U.S.C. 166)—

(1) the resources of the Congressional Research Service shall not be utilized to generate fee-based research and information services; and

(2) the products of the Congressional Research Service shall not be marketed or published, without prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

(c) CONSTRUCTION OF ACT.—Nothing in this Act shall be construed to—

(1) permit the Library of Congress to impose redistribution fees on domestic end users of national library products and services;

(2) amend chapter 19 of Title 44 of the United States Code or in any way modify the Library of Congress distribution of publications to Federal depository libraries as required by chapter 19 of title 44; or

(3) require the levying of fees or charges for services provided and products furnished pursuant to reciprocal arrangements for the exchange of information.

SEC. 303. REGULATIONS.

(a) IN GENERAL.—The Librarian of Congress shall promulgate such regulations as are necessary to implement this Act.

(b) APA.—Notwithstanding the inapplicability of the Administrative Procedure Act to the Library, the Library, when proposing new Fund service activities, shall follow the rule-making notification procedures of section 553 of title 5, United States Code.

PUBLICATIONS

New *Science Tracer Bullets*

LC Science Tracer Bullet: Chemical Exposure: Toxicology, Safety, and Risk Assessment. ISSN 0090-5232. (TB 91-11). December 1991. Compiled by Teresa Meikle, this literature guide provides introductory reference material in the collections of the Library of Congress on all health and safety aspects of human exposure to hazardous chemicals.

LC Science Tracer Bullet: Urban Transportation. ISSN 0090-5232. (TB 92-1). January 1992. Compiled by John F. Buydos, this literature guide provides introductory material in the collections of the Library of Congress on all aspects of public transport.

Copies of these publications may be obtained free on request from the Science and Technology Division, Library of Congress, Washington, DC 20540-5580. Copies have also been provided to the Superintendent of Documents for distribution to depository libraries.

New Guide to Arabic-English, English-Arabic Dictionaries

Arabic-English and English-Arabic Dictionaries in the Library of Congress has been published by the Library of Congress. Compiled by George Dimitri Selim of the African and Middle Eastern Division, it is the fifth volume in the *Near East Series* (ISSN 0196-3562).

This bibliography is an attempt to list all Arabic-English and English-Arabic dictionaries, glossaries and vocabularies which the Library of Congress has acquired. Multilingual dictionaries with Arabic and English entries are also included. The bibliography contains 782 entries and is divided into two parts: General language dictionaries and Special subject dictionaries. A name index and a title index conclude the publication.

The 213-page paperback guide is available for $6.50 in person from the Gift Shop/Bookstore, in the Library's James Madison Building, or by mail from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (Stock number ISBN 0-16-036092-7).

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